

### **REMARKS**

Claims 1, 3, 5-19, 31-36 are now pending in the application. Claims 9, 18, and 19 are withdrawn. Claims 1, 3, 5-19 and 31-36 are rejected. Claims 1 and 36 have been amended herein. Claim 34 is objected to.

Applicant wishes to thank the Examiner for participating in a telephonic interview on February 3, 2009 with one of Applicant's representatives, Thomas Vesbit, to discuss the amendments detailed hereinbelow with respect to the cited references.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1, 5-8, 10-12, 16, 31-33, 35 and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Blount in view of either LaPointe et al. or Kemmerer et al. This rejection is respectfully traversed.

Applicant has amended claim 1 to recite a lift-recliner chair with a base portion having a pair of upstanding rigid side panels and a rigid rear panel extending between the side panels. The chair also includes a seat portion pivotally connected to the base portion, a back portion pivotally connected to the seat portion, and actuator means for moving the seat portion with respect to the base portion between a fully retracted position and a fully raised position to alter the configuration of the chair. The actuator means also moves the back portion with respect to the seat portion to alter the configuration of the chair. The actuator means is located between the side and rear panels of the base portion. Furthermore, the seat portion has a pair of downwardly depending rigid side panels and a rigid rear panel. The side and rear panels of the seat portion and the side and rear panels of the base portion overlap and nest with each other, respectively, in both the fully retracted and fully raised positions to enclose a

region containing the actuator means in all configurations of the chair including the fully retracted and fully raised positions. Support for the amendments to claim 1 can be found, at least, on page 12, lines 6-8, page 13, lines 21-22, and in FIGS. 1 – 6.

Likewise, Applicant has amended claim 36 to recite a lift-recliner chair that includes a base portion having a pair of upstanding rigid side panels and a rigid rear panel extending between the side panels. The chair also includes a seat portion pivotally connected to the base portion, a back portion pivotally connected to the seat portion, and an actuator. The actuator is operable for moving the seat portion with respect to the base portion between a fully retracted position and a fully raised position to alter the configuration of the chair. The actuator is also operable for moving the back portion with respect to the seat portion to alter the configuration of the chair. The actuator is located substantially between the side and rear panels of the base portion. Furthermore, the seat portion has a pair of downwardly depending rigid side panels and a rigid rear panel. The side and rear panels of the seat portion and the side and rear panels of the base portion overlap and nest with each other, respectively, in both the fully retracted and fully raised positions to enclose a region containing the actuator in all configurations of the chair including the fully retracted and fully raised positions. Support for the amendments to claims 36 can be found, at least, on page 12, lines 6-8, page 13, lines 21-22, and in FIGS. 1 – 6.

Applicant respectively submits that the Blount, LaPointe et al., and Kemmerer et al. references, either standing alone or in combination, fail to disclose or suggest a chair with a base portion having a pair of upstanding rigid side panels and a rigid rear panel and a seat portion having a pair of downwardly depending rigid side panels and a rigid

rear panel, wherein the side and rear panels of the seat portion and the side and rear panels of the base portion overlap and nest with each other, respectively, in both the fully retracted and fully raised positions to enclose a region containing the actuator in all configurations of the chair including the fully retracted and fully raised positions as recited in both claims 1 and 36 of the present application. Instead, the Blount reference discloses a chair with a motor drive 52, a threaded shaft 56, and a ram 58 that are exposed to the environment outside the chair base when the chair is in a raised position (see FIG. 3). Furthermore, the LaPointe et al. reference discloses a chair with a base lift assembly 1 that is exposed to the environment outside the chair base when the chair is in a raised position (see FIG. 4). Moreover, the Kemmerer et al. reference discloses a chair with a lift mechanism 16 that is exposed to the environment outside the chair base when the chair is in a raised position (see FIGS. 1 and 3).

Accordingly, Applicant respectively submits that claims 1 and 36 are each allowable over the Blount, LaPointe et al., and Kemmerer et al. references. Moreover, without conceding the correctness of the Examiner's remarks thereto, Applicant respectively submits that claims 5-8, 10-12, 16, 31-33, and 35 are each allowable for the same reasons given for claim 1 because claims 5-8, 10-12, 16, 31-33, and 35 are each ultimately dependent on claim 1.

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the prior art, as applied to the claims above, and further in view of Hale. This rejection is respectfully traversed. Without conceding the correctness of the Examiner's remarks thereto, Applicant respectively submits that claim 3 is allowable for the same reasons given above for claim 1 because claim 3 is ultimately dependent on claim 1.

Claims 13-15, 17, 20, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the prior art, as applied to the claims above, and further in view of either Bergenwall or Hayashi et al. This rejection is respectfully traversed. Without conceding the correctness of the Examiner's remarks thereto, Applicant respectfully submits that claims 13-15, and 17 are allowable for the same reasons given above for claim 1 because claims 13-15, and 17 are each ultimately dependent on claim 1. Additionally, Applicant notes that claims 20 and 21 were previously cancelled; therefore, Applicant respectfully requests clarification of the rejection of these claims.

#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner

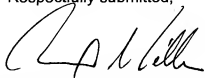
believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: March 31, 2009

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